

Chapter 80

ANIMALS

ARTICLE I Rabies Control

- § 80-1. Adoption of statutory provisions.**
- § 80-2. Definitions.**
- § 80-3. Animal bites.**
 - § 80-3.1. Sacrifice of animal.**
 - § 80-3.2. Costs incurred.**
 - § 80-3.3. Violations and penalties.**

ARTICLE II Dogs, Tiny Horses and Cats

- § 80-4. Definitions.**
- § 80-5. License required.**
- § 80-6. State regulations.**
- § 80-7. Dogs, tiny horses or cats at-large.**
- § 80-8. Setting at-large.**
- § 80-9. Keeping of vicious or barking dogs.**
- § 80-10. Manner of keeping dogs or tiny horses.**
- § 80-11. Injury to property by dogs, tiny horses or cats.**
- § 80-12. Impounding; repossession or disposal of dogs or cats.**

- § 80-13. Limiting number of dogs.**
- § 80-14. Prohibiting injury by dogs.**
- § 80-15. Violations and penalties.**

ARTICLE III Animal Fanciers

- § 80-16. Definitions.**
- § 80-17. Permit issuance.**
- § 80-18. Conditions of operation.**
- § 80-19. Violations and penalties.**

ARTICLE IV Kennels

- § 80-20. License required.**
- § 80-21. Definitions.**
- § 80-22. Regulations for establishment and maintenance.**
- § 80-23. Tags required.**
- § 80-24. Transferability of tags.**
- § 80-25. Leash required.**
- § 80-26. Application for kennel tags and blank licenses.**
- § 80-27. List of kennel operators.**
- § 80-28. Violations and penalties.**

[HISTORY: Adopted by the Common Council of the City of Franklin as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Licenses and permits — See Ch. 169.
Nuisances — See Ch. 178.

Orderly conduct — See Ch. 183, Art. III.
Rat control — See Ch. 195.

ARTICLE I

Rabies Control

[Adopted by the Common Council 8-5-1997 by Ord. No. 97-1461 as Secs. 12.18 and 12.19 of the 1997 Code; amended in its entirety 3-6-2001 by Ord. No. 2001-1640]

§ 80-1. Adoption of statutory provisions.

Section 95.21, Wis. Stats., as amended from time to time, is hereby adopted by reference and made a part of this Municipal Code as though set forth herein in its entirety.

§ 80-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ISOLATION FACILITY — A humane society shelter, veterinary hospital or a municipal pound.

LIVESTOCK — Any horse, bovine, sheep, goat, pig or farm-raised deer.

OFFICER — A peace officer, local health officer, humane officer, warden, an employee designated by the Department of Agriculture, Trade and Consumer Protection, or other person designated by the governing body of the city.

OWNER — A person who owns, harbors, keeps or controls an animal.

QUARANTINE — A restraint upon the contact and activities of an animal designed to prevent the spread of disease.

§ 80-3. Animal bites.

- A. Whenever a dog, cat or ferret bites a person, which results in a break of the skin, the owner of such animal and the bite victim shall notify the Chief of Police, or City Health Officer, who shall then notify the Chief of Police. The Chief of Police or designee shall then determine where the animal's ten-day quarantine shall occur. If the owner provides proof of current rabies vaccination as evidenced by a valid certificate of rabies vaccination, the animal may be confined to the owner's premises for 10 days from the date of the bite. If the rabies vaccination is not current or if a valid certificate of rabies vaccination is not provided, the animal shall be placed in an isolation facility for 10 days. After the animal's vaccination status has been determined, the Chief of Police or designee shall order the appropriate quarantine. The Franklin Police Department Canine Unit is exempt from quarantine unless required by the Chief of Police or City Health Officer.
- B. If a dog, cat or ferret bites a person, the animal owner or the custodian of an isolation facility shall keep the animal quarantined under the supervision of a veterinarian for at least 10 days after the incident occurred. Supervision by a veterinarian includes, at a

minimum, examination of the animal on the first day, on the last day of isolation and on one intervening day. If the veterinarian certifies that the dog, cat or ferret has not exhibited any signs of rabies, the animal may be released from quarantine after the 10th day after the bite occurred.

- C. All other animals (excluding small herbivorous rodents and livestock) that bite a person resulting in a break of the skin shall be sacrificed for rabies testing regardless of vaccination status. An appropriate quarantine is not possible given that the viral shedding period for such animals is unknown. These include all domesticated and wild wolf-hybrids, raccoons, skunks, woodchucks, beavers, muskrats, bats and all other carnivores.
- D. Small herbivorous rodents (excluding bats), whether domesticated or wild, virtually never call for sacrifice or quarantine if the animal was behaving normally at the time of the bite. These include squirrels, hamsters, gerbils, mice, rats, rabbits and hares.

§ 80-3.1. Sacrifice of animal.

- A. Dog, cat or ferret. if a veterinarian determines that a dog or cat exhibits symptoms of rabies during the quarantine period, the veterinarian shall notify the owner, the quarantining officer and the City Health Department. Then the veterinarian shall kill the animal in a humane manner and in a manner which avoids damage to the animal's head and forthwith transport the head to the Wisconsin State Laboratory of Hygiene, which must receive an intact brain in order to perform testing for the rabies virus.
- B. Dog, cat or ferret. If a quarantine cannot be imposed because the dog or cat cannot be captured, an officer may kill the animal. The officer may kill a dog or cat only as a last resort or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. The Wisconsin State Laboratory of Hygiene must receive an intact brain in order to perform testing for the rabies virus.
- C. All other animals. An officer may order killed or may kill an animal other than a dog or cat if the officer has reason to believe that the animal bit a person or is infected with rabies. If livestock is killed, the owner is responsible for an indemnity payment. (See § 20.115(2)(b), Wis. Stats.) The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the animal's head. The Wisconsin State Laboratory of Hygiene must receive an intact brain in order to perform testing for the rabies virus.
- D. Once the animal is destroyed or sacrificed, the specimen must be properly prepared and immediately transported to the State Laboratory of Hygiene for rabies testing. In cases where the animal was unowned or if the animal died in an isolation facility, including where an animal is destroyed under Subsections B or C above, the City Health Officer shall obtain the specimen transportation and may utilize the services of the Milwaukee Area Domestic Animal Control Commission for such purposes. If the City Health Officer is involved, the State Laboratory of Hygiene will report test results directly to the City Health Officer, typically within 24 hours.

§ 80-3.2. Costs incurred.

- A. The costs of the veterinarian examinations, impoundment fees and any other related charges shall be paid by the owner(s) of the animal, jointly and severally, within 30 days of the date of invoice or notice to pay same mailed to the owner(s)' last known address.
- B. If the animal is a stray or is not domesticated or the owner of the animal cannot be found, any costs related to the examination of the animal and the preparation of any required specimens shall be borne by the city.

§ 80-3.3. Violations and penalties.

Except as otherwise provided, any person who shall violate any provision of this article, or any order, rule or regulation made hereunder, shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

ARTICLE II**Dogs, Tiny Horses and Cats**

[Adopted 8-5-1997 by Ord. No. 97-1461 as Sec. 13.11 of the 1997 Code]

§ 80-4. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AT-LARGE — To be off the premises of the owner. A dog or cat shall not be considered at-large if:

- A. It is attached to a leash of sufficient strength to restrain such dog or cat and not more than 12 feet in length, provided that such leash is held by a person competent to control such dog or cat.
- B. It is properly restrained within a motor vehicle or trailer.
- C. It is not more than six feet from its owner, his agent or other person competent to govern the dog at such distance, provided that such dog or cat is not annoying or worrying any person or trespassing on private property.

CAT — All the domesticated members of the feline family.

DOG — All domesticated members of the canis family, male or female.

OWNER — Any person owning, harboring or keeping a dog, tiny horse or cat. The occupant of any premises on which a dog, tiny horse or cat remains or to which it customarily returns daily for a period of seven days is presumed to be harboring or keeping a dog, tiny horse or cat within the meaning of this definition.

TINY HORSE — Any horse weighing less than 200 pounds at maturity.

VICIOUS — A dog, tiny horse or cat which suddenly assaults or attacks a person while such person is walking or riding on any street, highway or alley or within any other public areas within the city. It shall also mean a dog, tiny horse or cat with a propensity to attack or bite

persons, whether such persons are on public or private property when such propensity is known or ought reasonably to be known to the owner.

§ 80-5. License required.

- A. All dogs, tiny horses and cats shall be properly licensed. Every person residing in the city who owns a dog, tiny horse or cat which is five months of age on January 1 shall apply annually for a license. The license applicant for a dog or tiny horse must make application by the last day of March each year and pay an annual license fee as provided in Chapter 169, Licenses and Permits. The license applicant for a cat must make application by the last day of February each year and pay an annual license fee as provided in Chapter 169. Any late application fee for dogs, cats or tiny horses shall be assessed a late charge in addition to the license fee. [Amended 10-5-2004 by Ord. No. 2004-1817]
- B. No license shall be issued for any dog or cat unless the applicant presents a current certificate of rabies vaccination as provided in § 95.21, Wis. Stats.

§ 80-6. State regulations.

Ch. 174, Wis. Stats., pertaining to the licensing of dogs, is made a part of this article by reference.

§ 80-7. Dogs, tiny horses or cats at-large.

No owner of any dog, tiny horse or cat shall permit or suffer such animal to be at-large. Any dog, tiny horse or cat found at-large shall be deemed to be so at the permission or at the sufferance of its owner.

§ 80-8. Setting at-large.

No person except the owner of a dog, tiny horse or cat or his or her agent shall open any door or gate or any private premises or otherwise entice or enable any dog, tiny horse or cat to leave any private premises for the purpose or with the result of setting such dog, tiny horse or cat at-large.

§ 80-9. Keeping of vicious or barking dogs.¹

- A. No person shall knowingly keep, own or harbor any vicious dog or any dog which frequently or habitually barks, yelps or howls.
- B. Whenever any dog shall, upon the complaint of any person residing within the city and upon investigation and verification by the Police Department, be found to be customarily fierce or dangerous; in the habit of biting, snapping or threatening any person or persons; or shall be in the habit of attacking other domestic animals, such dog shall either be

1. Editor's Note: See § 178-5, Public nuisances affecting peace and safety.

removed from the city or destroyed by the owner or keeper within 72 hours after service of a written notice by a Health Officer or a police officer or, in the alternative, such dog shall be kept enclosed within the premises of the owner, which premises shall bear a sign plainly displayed at every point of entrance, giving warning of the presence of such dog, and no person shall remove such sign while any such dog is confined within such enclosure.

- C. Whenever it shall be found, upon the complaint of any person residing within the city and upon investigation and verification by the Police Department, that any dog habitually barks, howls, yelps or in any other way disturbs the peace, such dog shall be removed from the city by the owner or keeper within 72 hours after service of written notice by the Police Department. In case of failure to do so, each day of such failure will constitute a separate offense.

§ 80-10. Manner of keeping dogs or tiny horses.

All pens, kennels or other structures wherein any dog or tiny horse is kept shall be of such construction so as to be easily cleaned and kept in good repair and shall be maintained in such a manner as not to cause or create a health hazard.

§ 80-11. Injury to property by dogs, tiny horses or cats.

- A. No person shall permit a dog or tiny horse to go upon any public area or upon private lands or premises without the permission of the owner of the lands or premises and break, bruise, tear up, crush or injure any lawn, plant, tree, shrub or garden or any other object upon such public or private lands and premises or to defecate thereon.
- B. Any person governing and accompanying a dog or cat off the premises of its owner, including its owner, shall carry a waste deposit receptacle and a hand shovel or other reasonably similar device and shall utilize the same to immediately remove any feces deposited by such animal on any public or private premises and shall dispose of the same in any method allowable by law at the consenting owner's or such person's residence. Compliance with the requirements of this subsection shall not constitute a defense to or in any way absolve any person from any liability or penalty resulting from a violation of Subsection A above.

§ 80-12. Impounding; repossession or disposal of dogs or cats.

- A. Every police officer, Sanitary Inspector or humane officer finding a dog or cat at-large shall seize such dog or cat and impound it in the place provided by the Wisconsin Humane Society.
- B. The possession of any licensed dogs or cats so seized or impounded may be obtained by the owner upon payment of the daily boarding fee to the Wisconsin Humane Society for keeping such dog or cat for each day or fraction thereof during which the dog or cat has been impounded. The possession of an unlicensed dog or cat may be obtained by the owner after obtaining a license and paying the fee provided herein. If any dog or cat that

has been impounded for seven days has not been reclaimed by its owner, such dog or cat may be disposed of by the Wisconsin Humane Society in the most humane manner.²

§ 80-13. Limiting number of dogs.

- A. No person residing within the City shall keep more than two dogs, cats or tiny horses on the premises occupied by him or her, with the exception of a litter, which may be kept for not more than six months from birth and with the exception hereinafter provided in Subsection B. Persons having more than the prescribed number of animals at the time this article became effective shall be permitted to keep them, but may not replace them when they are disposed of.
- B. Authority to keep up to 10 dogs shall be by permit. The applicant for such permit must meet the following conditions:
 - (1) The applicant is a resident of the city.
 - (2) The dogs are to be housed on the applicant's premises containing 10 or more acres of land.
 - (3) The dogs are to be properly housed and kept completely fenced in not less than 500 feet from the nearest dwelling, except the applicant's dwelling, and not less than 200 feet from lot lines.
 - (4) All dogs shall be properly licensed. The applicant for permit must file by June 1 each year and pay an annual permit fee as specified in Chapter 169, Licenses and Permits. The permit shall be for one year; the date of issuance shall be January 1, with the date of expiration being December 31 following.³

§ 80-14. Prohibiting injury by dogs.

- A. No dog shall bite, injure or cause injury to a person, livestock, other animal or property. The owner or keeper of such dog which bites, injures or causes such injury shall be responsible for the bite or injury regardless of whether the owner or keeper knew or should have known that the dog would bite or cause injury.
- B. Instead of or in addition to the penalties provided for in § 80-9, the owner or keeper of a dog which violates this section shall be subject to the penalties as provided in Chapter 1, General Provisions, § 1-19.

§ 80-15. Violations and penalties.

In addition to the suspension or revocation of any license or permit granted under this article, any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

2. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

ARTICLE III
Animal Fanciers

[Adopted 8-5-1997 by Ord. No. 97-1461 as Sec. 13.115 of the 1997 Code]

§ 80-16. Definitions.

As used in this article, the following terms shall have the meanings indicated:

ANIMAL FANCIER — Any person in a residential dwelling unit who keeps, harbors, raises or possesses not less than three nor more than four dogs, tiny horses or cats over the age of five months. Animal fancier permits may be issued to property owners or users only if the applicant's lot is 20,000 feet or greater in size.

§ 80-17. Permit issuance.

The City Treasurer shall issue an animal fancier permit upon payment of an annual fee as provided in Chapter 169, Licenses and Permits. Permit issuance and maintenance shall be subject to the conditions set forth in this article. In addition to the animal fancier permit required herein, the person holding the animal fancier permit shall keep a current license tag upon each dog, tiny horse or cat.

§ 80-18. Conditions of operation.

An animal fancier permit shall not be issued or maintained and may be revoked if the animal fancier fails to comply with the following conditions:

- A. All dogs, tiny horses or cats shall be maintained in a healthy condition or, if ill, shall be given appropriate treatment on a timely basis.
- B. The quarters in which the dogs, tiny horses or cats are kept shall be maintained in a clean condition and good state of repair.
- C. Enclosures shall be large enough to provide sufficient freedom of movement for the animals contained therein.
- D. All yards, pens, premises, enclosures and animals shall be kept free of pest infestations.
- E. There shall be no odor or noise nuisance.
- F. All premises, quarters, yards, pens or other places where dogs, tiny horses or cats are kept shall be subject to inspection by city officials at reasonable hours.
- G. No animal for which a fancier's permit has been issued may be found in violation of Article II, Dogs, Tiny Horses and Cats, as amended from time to time.

§ 80-19. Violations and penalties.

In addition to the suspension or revocation of any license or permit granted under this article, any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

ARTICLE IV

Kennels

[Adopted 8-5-1997 by Ord. No. 97-1461 as Sec. 13.12 of the 1997 Code]

§ 80-20. License required.

Any person who keeps or operates a kennel may, in lieu of the license tax for each dog, apply to the City Treasurer for a kennel license for the keeping or operating of such kennel. For such kennel, he or she shall pay a license tax specified in Chapter 169, Licenses and Permits, for the license year. With each kennel license, the Treasurer shall issue a number of metal tags equal to the number of dogs authorized to be kept in the kennel. Such tags shall be made in a form so that they may be readily distinguishable from the individual license tags for the same year.

§ 80-21. Definitions.⁴

Pursuant to § 174.001, Wis. Stats., "kennel" shall mean any establishment wherein or whereon dogs are kept for breeding, sale or sporting purposes.

§ 80-22. Regulations for establishment and maintenance.

No kennel shall be established or maintained except in compliance with the following regulations:

- A. No kennel shall be established or maintained in any residential, business or commercial district unless the dogs are properly housed and kept completely fenced in no less than 500 feet from the nearest dwelling or commercial building, except the applicant's dwelling, and not less than 200 feet from the lot lines of a parcel of land on which such kennel shall be located.
- B. In any other district where the establishment and maintenance of a kennel is a permitted use, no kennel shall be established or maintained until the location and plan of operation have been submitted to and have been approved by the Plan Commission after a public hearing.

§ 80-23. Tags required.

The licensee of the kennel shall, at all times, keep one of such tags attached to the collar of each dog over five months old kept by him or her under a kennel license.

§ 80-24. Transferability of tags.

Kennel tags may be transferred from one dog to another within the kennel whenever any dog is removed from the kennel.

4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 80-25. Leash required. ⁵

No dog bearing any tag shall be permitted to stray or to be taken anywhere outside the limits of the kennel unless he is on a leash or temporarily for the purposes of hunting, breeding, trial, training or competition.

§ 80-26. Application for kennel tags and blank licenses.

The City Treasurer shall apply to the County Clerk for suitable and sufficient kennel tags and blank licenses.

§ 80-27. List of kennel operators.

The City Assessor shall make, in triplicate, a list of the names of persons owning and operating kennels and the number of dogs kept in each kennel. The City Clerk shall deliver one copy of such list to the County Clerk, one copy to the City Treasurer and shall retain one copy for his or her files.

§ 80-28. Violations and penalties.

In addition to the suspension or revocation of any license or permit granted under this article, any person who shall violate any provision of this article shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19.

5. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).